

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA No. 01-01
)	
JON YOSHIMURA, and)	
FRIENDS OF JON YOSHIMURA)	
)	
)	
Respondents)	
_____)	

CONCILIATION AGREEMENT

On or around March 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Jon Yoshimura and Friends of Jon Yoshimura (Jon Yoshimura and Friends of Jon Yoshimura to be collectively referred to as "Yoshimura"), pursuant to the express authority of sections 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted.

NOW, THEREFORE, Yoshimura and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.

III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

IV. That Respondents enter into this agreement with the Commission on their own volition and with full knowledge and understanding.

V. The parties agree to the pertinent facts as follows:

1. On or around March, 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through Council Chair Jon Yoshimura's disclosure reports and previous audit request, initiated an informal investigation involving numerous questionable campaign spending expenditures.

2. Friends of Jon Yoshimura is the candidate committee for Council Chair Yoshimura.

3. Yoshimura filed his current Organizational Report on February 26, 1999. That report identifies Jon Yoshimura as Committee Chairperson and Committee Treasurer.

4. That Organizational Report indicates the office sought as "HONOLULU CITY COUNCIL District VI.

5. On November 3, 1998, Yoshimura successfully ran for the City and County of Honolulu Council seat.

6. The County Charter prohibits Yoshimura from seeking re-election for a third consecutive City Council term.

7. At the conclusion of his 1998 campaign, Yoshimura reported a surplus of \$28,278.42 in his Final Election Period Report covering the period of September 20, 1998 through November 3, 1998.

8. The last campaign finance disclosure report filed with the Commission by Yoshimura was a Supplemental Report for the period covering July 1, 2000, through December 31, 2000. That report reflected a "cash on hand" total of \$3,098.45.

9. For the period covering January 1996 through December 1999, Yoshimura's disclosure reports reflected numerous vague and questionable campaign expenditure entries.

10. Based upon a review of Yoshimura's disclosure reports, Yoshimura received a total of \$130,805.06 in contributions and expended \$104,317.10 from his campaign account for the period of January 1, 1996 through December 31, 1998.

11. Based upon a review of Yoshimura's disclosure reports, Yoshimura received a total of \$25,616.73 in contributions and expended \$47,268.47 from his campaign account for the period of January 1, 1999 through December 31, 2000.

Expenditures During 1996 - 1999

12. Yoshimura's reports included questionable expenditures as follows:

DESCRIPTION		AMOUNT
1	Personal Expenses	\$1,806.25
2	Travel Expenses	\$1,444.49
3	Excess Gifts	\$281.32
TOTAL		\$3,532.06

13. Sections 11-200(a) and 11-206(b), HRS, provide that campaign contributions shall not be used for any purpose that is not directly related to a candidate's campaign or for personal benefit. The expenditures, as described in the respective reports, do not represent allowable expenditures of campaign contributions.

14. During the period of 1995 through 1999, there were numerous questionable gifts to non-campaign related persons or friends in excess of \$50, personal expenses and contributions to organizations not provided for in section 11-206, Haw. Rev. Statutes.

VI. Yoshimura contends that none of the violations were knowing and willful acts to circumvent the applicable provisions of the campaign spending law but does not deny that Yoshimura had knowledge of such expenditures and contributions.

VII. Yoshimura violated Chapter 11, Part XII, Subpart B, Election Campaign Contributions and Expenditures, HRS, by making numerous improper expenditures [detailed herein] in the amount of \$3,532.06 during the period covering 1996 through 2000.

VIII. Settlement Terms

As final settlement of the matters and issues in the Campaign Spending Docket No. 01-04, Yoshimura understands and agrees to the following:

(A) Yoshimura shall pay an administrative fine to the Hawaii Election Campaign Fund in the amount of **Three Thousand Five Hundred Thirty Two dollars and Six Cents (\$3,532.06)**.

(1) For violating sections 11-200 and 11-206, HRS, by expending campaign funds for a personal purpose –Respondent Yoshimura agrees to pay the Hawaii Election Campaign Fund **Three Thousand Five Hundred Thirty Two dollars and Six Cents (\$3,532.06)** from Yoshimura’s individual and personal funds.

(B) Respondent will no longer use campaign funds for improper or similar expenditures for purposes other than those directly related to Yoshimura’s nomination or election to public office pursuant to section 11-200 or for purposes provided within section 11-206, HRS.

IX. The Commission, upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

X. This agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire agreement.

XI. This agreement shall have the force and effect of a Commission Order and compliance with the requirements set forth in this agreement and any specific terms of compliance shall be monitored by the Commission. In the event of noncompliance, the Commission may apply for a court order to enforce compliance pursuant to §11-228(c).

XII. This Conciliation Agreement constitutes the entire agreement between the Commission and Yoshimura on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this written Agreement, made by either party or by agents of either party, shall be enforceable.

XIII. This agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada
Executive Director



8/22/01
Date

FOR THE RESPONDENTS:

Jon Yoshimura / Friends of Jon Yoshimura

By: 
(Name)
(Title) CANDIDATE

8-20-01
Date